

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
UNITED STATES OF AMERICA :

v. :

JONATHAN CUNEY, :
Defendant. :ORDER

15 CR 143 (VB)

Copies Mailed/Faxed 3/29/23
Chambers of Vincent L. Briccetti

Defendant's reply (which he labels a "responding memorandum") (Doc. #41) to the government's letter in opposition to the coram nobis petition contains extensive new arguments not previously raised in either the initial petition (Doc. #33) or in defendant's supplemental letter dated December 19, 2022 (Doc. #36). In particular, defendant now argues, for the first time, that his conviction under 18 U.S.C. § 922(b)(2) (Count One) is unconstitutional, that there were errors in his Sentencing Guidelines calculation, and that certain conduct underlying the Section 922(b)(2) count was not properly disclosed. He also sets forth in much greater detail the basis for his ineffective assistance of counsel claim, why he did not seek earlier relief, and what he alleges are "continuing collateral consequences." The government has not had an opportunity to respond to these new arguments.

Accordingly, by May 30, 2023, the government shall file a response, not to exceed ten pages in length, to the "responding memorandum." Defendant may file a sur-reply, not to exceed five pages in length, by June 30, 2023.

Chambers will mail a copy of this Order to defendant at the following address:

Jonathan Cuney, Reg. No. 71306-054
USP Lewisburg
U.S. Penitentiary
Satellite Camp
P.O. Box 2000
Lewisburg, PA 17837

Dated: March 29, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge